

## **Camden County Planning Board**

### **Record of Proceedings**

**October 16, 2002**

**7:00 PM**

**Senior Center Conference Room**

**Courthouse Complex**

Chairman Woodrow called to order a meeting of the Camden County Planning Board with the following members present: Robert Woodrow, Rusty Jacobs, James Burnham, Juanita Staples, Gladys Banks and Matthew Couch. Also present were David Parks, Permit Technician and Melissa Gray, Clerk to the Board. Members absent were H.B. Briggs, Jr.

Chairman Woodrow called for consideration of the agenda. Jacobs made a motion to approve the agenda as read. Burnham seconded the motion. The motion passed 6-0.

Chairman Woodrow called for consideration of the September 18, 2002 Planning Board minutes. Staples made a motion to approve the minutes as read. Jacobs seconded the motion. The motion passed 6-0.

Chairman Woodrow called for comments from the public. Mark Gregory requested a special meeting of the Planning Board for a rezoning application. Chairman Woodrow stated that if the board required a special meeting then Mr. Gregory would be informed and would be placed on the agenda.

### **Old Business**

**Item #1**      **Rezoning Application (UDO 2002-08-32) from David S. Burgess, Sr. to rezone approximately 23 acres from GUD to R-2 on his property located at the intersection of Lamb's Road and Run Swamp Road, Courthouse Township – attachments**

Chairman Woodrow called upon staff which stated that the application was a rezoning from David Burgess to rezone 23 acres of his property from General Use to R-2 Mixed Residential for future subdivision of the land.

David Burgess, Sr. stated that the property was considered to be rezoned after the new development ordinance was put into place. This property came under the (5) acre description. Mr. Burgess would like to have the property restored to the way it was before it was changed such as small residential lots. In order to get the property back the way it originally was it would have to be rezoned. It is his request to rezone the property to mixed residential.

Chairman Woodrow stated that mixed residential contains stick built homes and doublewides. Dave Parks stated that modulars were also allowed in mixed residential.

Mr. Burgess stated that he did not have any intention of doing anything with the property at the present time, the property has been in his family for 100 years the soil is suitable

for homes, not for agriculture. Mr. Burgess stated he has a son who lives a distance away and there is a possibility that he may come back to live on this property and there may be other people in the family that have a need for the property in the future. He would like it to be zoned as it originally was with (1) acre lots. Mr. Burgess stated he thinks it is a waste of land to take (5) acres and apply it to a home. He stated the land is suitable for homes but at the present time it is being used for farming and he would like to see it continually being used for farming. He would like the option to place a doublewide on the land if a family member or someone else needed a home, which is a possibility. He will not undertake in any subdivision or any other means of that effect.

Stephen Coker, 105 Run Swamp Road, stated he lives across the street from Mr. Burgess property and he does not want to see doublewides and modulars around his home.

Holly Coker, 105 Run Swamp Road, stated she does not want to see a neighborhood of doublewides and modulars around her home.

David Burgess, Jr., 146 Sawyer's Creek Road stated that the land has been in the family for a long time and it is the intention for it to stay in the family and it is not an intention for the land to house doublewides.

Wanda Burgess, 126 Run Swamp Road stated that she supports the rezoning and requests that the land be as it was before the rezoning took effect. She stated that there is no plan to develop the land.

Couch stated the reason for the rezoning was to try and control growth in the county.

Tracy Fleck, 118 Run Swamp Road asked could Mr. Burgess rezone her property. The board stated that Mr. Burgess could only rezone his property.

Martha Meiggs, 138 Scotland Road stated her land is adjoining with Mr. Burgess and she would rather see modulars and stick built homes.

Tommy Fleck, 118 Run Swamp Road, requested the requirements of doublewides and modulars if they were placed on the land. Chairman Woodrow stated that the appearance standards would be brick skirting and if the land was to be R-3 then the modulars would require a certain roof pitch and a porch.

Mr. Burgess then stated that there was residential surrounding his property and R-2 across the road.

Jacobs made a motion to recommend approval of the application for rezoning the property to R-2 Residential. Burnham seconded the motion. The motion passed 4-2 with Burnham, Jacobs, Banks and Staples voting yes and Woodrow and Couch voting no.

## **New Business**

**Item #1**      Rezoning Application (UDO 2002-09-36) from Sandra L. Sanderlin to rezone property from R-2/Commercial Fishing Overlay to Marine Commercial located at 255 Sailboat Road, Shiloh Township – attachments

Chairman Woodrow called upon staff which stated the application was from Sandra Sanderlin to rezone her property in Camden Point Shores from Commercial Fishing Overlay to Marine Commercial. Staff stated the property is adjacent to three lots that are zoned Marine Commercial. Currently in Camden Point Shores there are six lots zoned Marine Commercial.

Sandra Sanderlin stated she had been running a fishing business called Sandra's Seafood for over a year. She was requesting to be rezoned to Marine Commercial so that she could comply with the requirements of Marine Commercial.

Elvin Small, representing Robert White who is a property owner in the community and is concerned about the negative impact and the value of his property, which would result if this application was granted. Mr. Small stated that Camden County has a Unified Development Ordinance and part of that ordinance is the implementation of a Commercial Fishing Overlay District, which was implemented a couple of years ago. All of the lots in the community are under the Commercial Fishing Overlay. Mr. Small questioned what could Ms. Sanderlin do with her property if it was rezoned that she cannot do already. The Commercial Fishing Overlay portion of the Unified Development Ordinance states in subsection F that it allows for the wholesale and retail of fish and shellfish that those activities are permitted uses in the Commercial Fishing District, which her (Sanderlin) property is already a part. Maybe she (Sanderlin) is trying to release her lot from the restrictions that are a part of the Commercial Fishing Overlay portion of the Unified Development Ordinance. Those provisions require a building of not less than 600 feet be erected within one year and that it be connected both to a public water supply system and to a public sanitary sewer system. Those provisions also state that power washing of boats, equipment or gear can go on only between the hours of 8:00 and 5:00 on Monday through Friday. It is Mr. Small's view that those restrictions are going to continue to apply to her (Sanderlin) lot whether the underlying zoning is changed or not she (Sanderlin) still has to be a part of the Commercial Fishing Overlay regardless of the underlying zoning. Mr. Small stated that Ms. Sanderlin has indicated she has been operating a Commercial Seafood dealership on this lot for about a year and a half without complying with these provisions, she has no building, in fact the lot is won't support a building, she will never be able to put a building there cause there is no septic system so she (Sanderlin) can't meet those requirements. What Ms. Sanderlin is doing instead is using a vacant lot, zoned for residential purposes by putting refrigerated trailers on the lot and running them twenty four hours a day, seven days a week. Mr. Small then showed the board some photographs of the area some from the air and some from the ground. Mr. Small stated there are some nice homes in the area just across the canal from the lot that Ms. Sanderlin is using. Mr. Small stated there were some home owners at the meeting to speak against the proposed change. Mr. Small stated that the county should consider when a zoning change is proposed is the facilitated adequate provision of transportation, water, sewer and other public requirements. The rezoning

which Ms. Sanderlin is requesting won't benefit the public or the community at all, it won't result in any additional employment in the area. Mr. Small stated that what Ms. Sanderlin wants to do is to continue using the property just as she has been using it, that is without honoring or complying with the requirement that are in the Commercial Fishing Overlay District. This Commercial Fishing Overlay provision in the Unified Development Ordinance was just implemented a couple of years ago, there has been no change in circumstances since that was put in place, since it was thought out and implemented there has been no change that would support the zoning request that's being asked for. The only person who it would support is Ms. Sanderlin and her intended nonconforming use of her property. We respectfully asked you to vote against this request for rezoning.

Staff stated that Ms. Sanderlin has had a zoning permit for the lot under the Commercial Fishing Overlay and she knows the requirements for a 600 square foot building connected to water and sewer, however there is a state moratorium on septic systems in the area. The only option Ms. Sanderlin had was to rezone the property to Marine Commercial so she could continue operating her business. Staff stated Ms. Sanderlin has been in compliance to this date with the UDO.

Jacobs questioned was Ms. Sanderlin in compliance. Staff stated Ms. Sanderlin is in compliance and she has worked with the Health Department as trying to find something as an alternate move to put septic on the property, but there is not an alternate. The state suggestion is for the property owner to hire an engineer to design a septic system but the state has to approve it. Staff stated Ms. Sanderlin was granted a six month extension on her zoning permit while she was working with the Health Department. The six months ends in December.

Mr. Small stated it was his and Mr. White's understanding that Ms. Sanderlin is not in compliance that the ordinance requires that power washing be done only during the day time hours and obviously the purpose for that restriction is noise. Ms. Sanderlin is being allowed to run the trailers all the time. Chairman Woodrow questioned was Mr. Small talking about trailers or power washing. Mr. Small stated in our view it is one in the same thing. The reason it is felt that the county put the provision in the ordinance prohibiting power washing, except for during daylight hours is to keep the noise down so they would not bother the neighbors. Mr. Small stated Ms. Sanderlin is running three trailers full time which creates as much or more noise than power washing would. The provisions require fencing for operation and if you look at the photographs you will see that the fence is only a "half-hearted attempt". The fence does not screen the crab pots behind it, it doesn't screen the trailers that are behind it and the gate is left open practically all the time so for all intents and purposes there is no fencing there at all. Ms. Sanderlin is not complying with that provision, she is not in compliance with the building provision, the septic provision, the fencing provision or the noise. It is their contention that Ms. Sanderlin does not comply.

Staff stated the fence requirements are the fence must be six foot. Ms. Sanderlin's lot resides next to a Marine Commercial. Under Marine Commercial there is no fence requirement.

Couch stated that according to the pictures, Ms. Sanderlin does have a fence. He questioned Ms. Sanderlin about the gate. Ms. Sanderlin stated there is a gate there. She stated across the front of the property it is totally enclosed, on one side of the property are three lots of Marine Commercial, the other side there is a vacant lot that has just been cleared. As far as the noise, Ms. Sanderlin stated the ordinance says you can only power washing from 8-5, and she stated she does not do that. Ms. Sanderlin stated she does run trailers for cooling, and she stated Mr. White also runs trailers.

Burnham questioned Robert White about being before the board a few months ago requesting that his property be rezoned and he does not want Ms. Sanderlin to rezone her property. Mr. White stated he was adding to his existing lots. Burnham questioned how would Ms. Sanderlin's property being rezone impact him. Mr. White stated it is already impacting him because Ms. Sanderlin is using her property as Marine Commercial. Burnham questioned Mr. White about believing in free enterprise. Mr. White stated he did but he would like to see Ms. Sanderlin comply with the same rules as he does.

Jacobs questioned Mr. White did his property have a septic tank to it. Mr. White stated yes. Jacobs questioned Mr. White if the Marine Commercial property adjacent to Mr. Sanderlin's where his property. Mr. White stated they were. Mr. White stated that a septic tank was on the middle lot adjacent to Ms. Sanderlin. Mr. White stated he bought the lots adjacent to Ms. Sanderlin as Marine Commercial. Jacobs stated Mr. White was in the same situation as Ms. Sanderlin with the lot which had no septic. Jacobs questioned Mr. White about using the adjacent lots to Ms. Sanderlin for Marine Commercial uses. Mr. White stated he used the lot a few times during the last summer.

David Zaldivar, 132 Edgewater Drive stated he was not for or against either party. Mr. Zaldivar stated has observed the power washing on Sundays. He is worried about his property value. He stated that there are residents in the area along with the businesses.

Couch made a motion to recommend approval of the rezoning application from R-2/CFO to Marine Commercial. Burnham seconded the motion. The motion passed 5-1 with Woodrow, Burnham, Banks, Staples and Couch voting yes and Jacobs voting no.

Jacobs then made a motion to let the property in question remain R-2/CFO and to change the adjacent Marine Commercial lots owned by Robert White to R-2/CFO. There was no second.

**Item #2**      Special Use Permit (UDO 2002-10-05) from Northeastern CDC for the construction of a Day Care Center facility located at 151 Gumberry Road, Courthouse Township – attachments

Kim Hamby from Hyman & Robey stated the application was a proposal to construct a 100 count child day care center at the end of Gumberry Road. Mrs. Hamby stated that the plans and funds were already in place and the facility was in a flood zone but the elevation would be a foot above the required height. The playground area would be fenced in and there would be landscaping and a parking lot as indicated by the site plan.

Burnham made a motion to recommend approval of the special use permit application. Couch seconded the motion. The motion passed 6-0.

**Information**

- 1) Board of Commissioners Minutes – July 1, 2002 & July 15, 2002
- 2) Board of Adjustment Minutes – September 9, 2002

**Consideration of Next Meeting Date November 20, 2002**

The next Planning Board meeting will be held on November 20, 2002 at 7:00 PM.

**Adjournment**

Couch made a motion that the meeting of the Camden County Planning Board be adjourned. Staples seconded the motion. The motion passed 6-0. The meeting adjourned at 8:35 PM.

Approved: \_\_\_\_\_

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Chairman

ATTEST:

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Melissa Gray, Clerk to the Board